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Attorneys for Secured Creditor  
UNIVERSAL CITY STUDIOS CREDIT UNION, its successors and/or assignees

UNITED STATES BANKRUPTCY COURT FOR  
THE CENTRAL DISTRICT OF CALIFORNIA  
RIVERSIDE DIVISION

In re:

SCOTT TALLMAN,

Debtor.

Bk. No. 6:22-bk-10837-SY

Chapter 13

**LIMITED OPPOSITION TO DEBTOR'S  
MOTION FOR AUTHORITY TO SELL  
REAL PROPERTY UNDER 3015-1(p)**

Hearing – HEARING REQUESTED

Date:

Time:

Place: U.S. Bankruptcy Court  
3420 Twelfth Street  
Courtroom 302  
Riverside, CA 92501-3819

UNIVERSAL CITY STUDIOS CREDIT UNION, its successors and/or assignees  
("Creditor") hereby files this Opposition to Debtor's Motion for Authority to Sell Real Property Under 3015-1(p) ("Sale Motion") and requests a hearing on the matter. This Opposition is based on the pleadings and records on file in this matter, and the following memorandum. Creditor also requests that the Court take Judicial Notice of certain documents of public record and on file with this Court in accordance with Federal Rule of Evidence 201.

**I. FACTS**

1. Creditor is the current payee of a Home Equity Credit Line Agreement and Disclosure Statement dated November 10, 2004 in the principal amount of \$90,000.00 (the "HELOC") secured by a Second Deed of Trust of same date (the "Deed of Trust") executed and

recorded in Riverside County and which encumbers the real property located at **2083 North Via Miraleste, #815, Palm Springs, CA 92262** (the "**Property**"). [See Creditor's Declaration in Support of Objection Confirmation of Plan, Paragraphs 3 and 4 respectively, Docket No. 26].

2. On April 22, 2022, Debtor filed his Sale Motion, Docket No. 24. Pursuant to the Sale Motion, Debtor is seeking approval to sell the Property for \$410,000.

3. The Debtor attaches a Purchase Agreement ("**PA**") to the Sale Motion as Exhibit "B". Pursuant to the PA, the Debtor agreed to sell the Property for \$400,000, not \$410,000. The PA is signed March 13, 2022.

4. The Debtor attaches an Estimated Seller's Statement ("**Seller's Statement**") to his Sale Motion as Exhibit C. The Seller's Statement provides the payoff of Creditor's claim in the amount of \$101,645.49, with interest calculated through March 3, 2022. In addition, it provides for total debits of \$450,438.77. Finally, the Seller's Statement provides a total balance due from the seller in the amount of \$40,438.77

## **II. LIMITED OPPOSITION**

Creditor supports the sale of the Property as long as it is *paid in full out of escrow*. The Sale Motion contains contradictory statements regarding the sale price (\$410k when Seller's Statement provides for \$400k) and appears to be a short sale (Seller's Statement provides for \$40,438.77 due from seller/debtor at closing). Creditor objects to any attempt to pay its claim in an amount less than the total amount owing to it. Creditor requests any order granting the Sale Motion specify the following:

- That Creditor will be paid in full on its claim concurrently upon close and directly out of escrow. Creditor does not agree to a short payoff.
- Creditor reserves the right to submit an updated payoff demand prior to any close escrow to ensure it is paid in full.
- In the event that the sale of the Property does not take place, Creditor shall retain its lien for the entire amount due under the subject loan.
- Creditor's claim shall not be surcharged in any way with the costs of sale or any other

1 administrative claims, costs or expenses.

- 2 • Creditor does not agree to any terms that require Creditor to take less than payoff in full. In  
3 the event that the above language is included in the order approving the Sale Motion Creditor  
4 joins the Sale Motion in support.

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6 Dated: May 6, 2022

SCHEER LAW GROUP, LLP

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/s/ Joshua L. Scheer  
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## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
85 Argonaut, Suite 202, Aliso Viejo, CA 92656

A true and correct copy of the foregoing document entitled (*specify*): LIMITED OPPOSITION TO DEBTOR'S MOTION FOR AUTHORITY TO SELL REAL PROPERTY UNDER 3015-1(p)

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 05/06/2022, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Debtor's Counsel: Cynthia Grande- [ecf@thegrandelawfirm.com](mailto:ecf@thegrandelawfirm.com) Trustee: Rod Danielson (TR)-  
[notice-efile@rodan13.com](mailto:notice-efile@rodan13.com) U.S. Trustee: [ustpregion16.rs.ecf@usdoj.gov](mailto:ustpregion16.rs.ecf@usdoj.gov) Notice: Chad L Butler- [caecf@tblaw.com](mailto:caecf@tblaw.com);  
Joshua L Scheer- [jscheer@scheerlawgroup.com](mailto:jscheer@scheerlawgroup.com)

☐ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (*date*) 05/06/2022, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Debtor: Scott Tallman, 2083 N. Via Miraleste #815, Palm Springs, CA 92262

Debtor's Counsel: Cynthia Grande, 3812 Sepulveda Blvd # 220, Torrance, CA 90505

Trustee: Rod Danielson (TR), 3787 University Avenue, Riverside, CA 92501

Judge: Hon. Scott H. Yun, Central District of California, 3420 Twelfth Street, Suite 345, Riverside, CA 92501-3819

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

05/06/2022  
Date

Johnnelle Gomez  
Printed Name

/s/ Johnnelle Gomez  
Signature